

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENEQUE JEAN-LOUIS, ANGEL PINAREYES,
TOMAS TORES-DIAZ, ROSELIO MENDOZA,
EDWIN PEGUERO, JONNATAL PERALTA, and
ROBIN SORIANO, Individually And On Behalf Of
All Other Persons Similarly Situated,

Plaintiffs,

-against-

METROPOLITAN CABLE COMMUNICATIONS,
INC., RICHARD PANG, JOHN SNYDER, BILL
BAKER, PATRICK LONERGAN, JOHN GAULT,
and TIME WARNER CABLE OF NEW YORK
CITY, A DIVISION OF TIME WARNER
ENTERTAINMENT COMPANY, L.P.,

Defendants.

No. 09-Civ-6831 (ALC)(MHD)

**MEMORANDUM IN SUPPORT OF PLAINTIFFS' COUNSEL'S MOTION FOR
LEAVE TO WITHDRAW FROM REPRESENTATION OF CERTAIN PLAINTIFFS**

Preliminary Statement

Klafter Olsen and Lesser LLP, Asher Gaughran LLP and Berger Attorney, P.C., are the attorneys of record for Plaintiffs Jonnatal Peralta, Edwin Peguero, Robin Soriano, and Roselio Mendoza (“Plaintiffs”). Counsel respectfully submits this memorandum in support of their application for an Order relieving these firms as counsel to Plaintiffs.

Relevant Facts

The facts relevant to this application are set forth in the supporting declaration of Fran L. Rudich.

POINT 1

**THE CIRCUMSTANCES HERE MANDATE ENTRY OF AN ORDER RELIEVING
PLAINTIFFS' COUNSEL FROM FURTHER REPRESENTATION**

The Local Civil Rules of this Court provide:

Rule 1.4 Withdrawal or Displacement of Attorney of Record

An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the Court and may not withdraw from a case without leave of the Court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its positions, if any, on the calendar

In determining whether to grant a request under Local Rule 1.4, the Court will review the requesting attorney's obligation under the Code of Professional Responsibility. As adopted by the State of New York, DR 2-110 (C)(1)(d) permits withdrawal by counsel in circumstances where the client "[b]y other conduct renders it unreasonably difficult for the lawyer to carry out employment effectively."

As set forth in the accompanying declaration of Ms. Rudich which has previously been addressed before the Court at the hearing on April 20, 2012, given these Plaintiffs' unwillingness to accept what counsel and a third party mediator have deemed to be a reasonable and fair settlement on behalf of the class and due to the breakdown in the communication between these Plaintiffs and Plaintiffs' counsel, there exists a compelling circumstance in which it is incumbent upon this Court to relieve Klafter Olsen and Lesser LLP, Asher Gaughran LLP and Berger Attorney, P.C., as counsel to Plaintiffs.

Conclusion

Plaintiffs' counsel, through Ms. Rudich's supporting declaration, has addressed the current circumstances of the attorney-client relationship with these Plaintiffs. We would submit that this application is necessary in light of the fundamental breakdown of communication and

failure to reach a mutual understanding and agreement regarding the merits of the case. In keeping with the statutory requirements and policy considerations which guide this Court, it is appropriate that the Court fully grant the instant application

Dated: Rye Brook, New York

June 19, 2012

KLAFTER OLSEN & LESSER LLP

Fran L Rudich

By _____

Fran Rudich
Michael Palitz
Two International Drive, Suite 350
Rye Brook, New York 10573
Telephone: (914) 934-9200

ASHER, GAUGHRAN LLP

Rachel Asher
Julie Gaughran
223 Katonah Avenue
Katonah, NY 10536
Telephone: (914) 232-0934

BERGER ATTORNEY P.C.

Bradley Berger
321 Broadway
New York, NY 10007
Telephone: (212) 571-1900

ATTORNEYS FOR PLAINTIFFS